

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID WUENSCHER

V.

STERIS CORPORATION

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CASE NO. 4:10-cv-7
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On March 16, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Rule 12(b)(6) Motion to Dismiss Defendant's Counterclaim be denied.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Plaintiff's Rule 12(b)(6) Motion to Dismiss Defendant's Counterclaim (Dkt. #12) is DENIED.

IT IS SO ORDERED.

SIGNED this 22nd day of March, 2010.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE